



Canadian  
Intellectual Property  
Office

An Agency of  
Industry Canada

Office de la propriété  
intellectuelle  
du Canada

Un organisme  
d'Industrie Canada

# How Your Patent Application is Processed

The Patent Branch will process your application according to the steps outlined below. We have featured the phases where you will be notified of the status of your application, including how and when you will be notified, and the associated fee, if any.

If you wish to have general information on patents, please call **(819) 997-1936**. You can also contact us through the Internet at <http://cipo.gc.ca>. If you have specific questions on a pending patent application, please contact the section processing your application at the numbers indicated hereunder.

**Note:** A great number of patent applicants are represented by a registered patent agent. Once an agent has been appointed, the Office will address all correspondence to the agent only. Enquiries concerning the various phases of prosecution should therefore be directed to the appointed agent.

The fees listed are as of January 1, 1998. The abbreviations SE or LE used in the "Fees" section, indicate *small entity* and *large entity* respectively.

## Prior to examination

Step/Section	What happens...	How we'll inform you...	...and when	Fees
<b>1. Formalities</b> <b>Tel: (819) 994-0045</b>	If your filed application is in good order and you have included the correct fee, we will assign a number and a filing date to your application and open a file.	<p>You will receive a filing certificate.</p> <p>You will be notified about the deficiencies.</p>	<p>...within <b>4</b> weeks of receipt of your application.</p> <p>...within <b>8</b> weeks of receipt of your application.</p>	<p>Filing: \$150 (SE) \$300 (LE)</p> <p>Completion of application: \$200</p>
<b>2. Classification</b> <b>Tel: (819) 994-2432</b>	Your application is classified according to the international patent classification (IPC) system within the applicable technical field.	You will not be informed of this stage.	...within <b>6</b> weeks after the date of filing in Canada. The information is available when your application becomes open to public inspection.	none
<b>3. Public Availability</b> <b>Tel: (819) 994-0045</b>	Your application becomes open to public inspection. A copy is made available in the Patent Public Search Room and can be accessed on our Web site.	You will not be informed of this stage.	... <b>18</b> months after the date of filing in Canada, or <b>18</b> months following the date of foreign filing, whichever is first (priority date).	

## Maintenance Fees & Assignments

1. Maintenance Fees Tel: (819) 997-2845	You must pay maintenance fees at prescribed intervals to ensure that your patent application or patent remains current. The first payment is due no later than the second anniversary of the filing of your application. A reminder is forwarded to private inventors 3 months prior to each payment.	Anniversaries of filing of the application in Canada	Fees
		2, 3 and 4	\$50 (SE) \$100 (LE)
	The maintenance fees can be paid yearly or for any number of years in advance.	5, 6, 7, 8 and 9	\$75 (SE) \$150 (LE)
		10, 11, 12, 13 and 14	\$100 (SE) \$200 (LE)
		15, 16, 17, 18 and 19	\$200 (SE) \$400 (LE)
<b>2. Assignments</b> <b>Tel: (819) 997-1950</b>	Every document affecting transfers and changes of name is registered following verification.	<p>If everything is in order, we will send a registration certificate. If there are deficiencies, we will send a letter of explanation.</p> <p>These will be forwarded within <b>4</b> weeks of the receipt of the documents.</p>	<p>\$100 for the first application or patent to which the document relates.</p> <p>\$50 for each subsequent application or patent for the same document.</p>

## Examination

Step/Section	What happens...	How we'll inform you...	...and when	Fees
<b>Request for Examination</b>  <b>Tel: (Number will be indicated in correspondence)</b>	<p>Your application will only be examined when you formally request examination and pay a fee. Your request must be filed within the time limit of <b>5</b> years from the filing date of your application. If you fail to submit the request within the time limit, your application will be abandoned*.</p> <p>A patent examiner will determine whether your application meets the requirements of the <i>Patent Act</i> and <i>Rules</i> and the three required conditions: novelty, utility, inventiveness.</p> <p>If your application is acceptable, it will pass to the next step, which is Allowance.</p> <p>If your application is not acceptable, the examiner will explain the reason(s). You will have opportunities to make amendments or argue against the examiner's objections.</p> <p>If you fail to respond to the examiner's report, within the required time, your application will be abandoned*.</p> <p>If your application is rejected, you will receive a Final Action from the examiner.</p>	<p><b>Request for examination submitted at time of filing:</b> your request for examination will be acknowledged on your filing certificate.</p> <p><b>Request for examination submitted within 5-year time limit:</b> your request for examination will be acknowledged by letter.</p> <p>See <b>Allowance</b> section.</p> <p>If there are problems with your application, you will receive an Examiner's Report which will specify the objections.</p>	<p>...within <b>4</b> weeks of receipt of your application.</p> <p>...within <b>3</b> weeks of receipt of your request for examination.</p> <p>The first examiner's report will be issued within <b>22</b> months of the receipt of your request for examination.</p>	<p>\$200 (SE) \$400 (LE)</p>
<b>Patent Appeal Board</b>  <b>Tel: (819) 997-1925</b>	<p>If your response to a Final Action does not overcome all of the examiner's objections, your application will be sent, on request, to the Patent Appeal Board for review.</p> <p>The Board will then make a recommendation to the Commissioner of Patents who will make a decision. If the Commissioner refuses to grant a patent on your application, you may appeal to the Federal Court within <b>6</b> months.</p>	<p>You will receive a letter from the Patent Appeal Board informing you that your application is before the Board.</p> <p>The Commissioner will issue a Commissioner's decision.</p>	<p>...within <b>18-24</b> months.</p>	

## After examination

Step/Section	What happens...	How we'll inform you...	...and when	Fees
<b>1. Allowance</b>  <b>Tel: (819) 997-1999</b>	<p>Your application is approved by the Patent Examiner.</p>	<p>You will receive a Notice of Allowance by mail.</p> <p>At this time, payment of the final fee will be requested. If you do not pay the fee, your application will be abandoned*.</p>	<p>...within <b>7</b> weeks of approval.</p> <p>The final fee must be paid within <b>6</b> months of the Notice of Allowance.</p>	<p>\$150 (SE) \$300 (LE)</p>
<b>2. Grant</b>  <b>Tel: (819) 997-1999</b>	<p>When the final fee is received, your grant is prepared and can be accessed on our Web site.</p>	<p>The patent grant will be mailed to you or your patent agent, if you have one.</p>	<p>...within <b>12</b> weeks of receipt of your final fee payment.</p>	

\* Applications which are abandoned can be reinstated by making a request within the prescribed time limit, taking the necessary action and paying a reinstatement fee of \$200.

The issuance of a patent gives you the right to stop others from manufacturing, using or selling your invention in **Canada**, beginning from the date of issue, up to a maximum period of 20 years from the date of filing of your application.

The length of time it takes to receive a patent varies. If it is filed correctly, approved without changes and no objections are raised, the processing time will be shorter. You can help by: filing correctly and by responding quickly to notices and correspondence from the Patent Office and by **INFORMING US OF ANY CHANGE OF ADDRESS**.

Two methods of payments are accepted: credit cards and cheques payable to the Receiver General of Canada.

A more extensive *Guide to Patents* is available free of charge from:

IC no. 00112 (English)  
IC no. 00113 (French)

Publications Centre  
Canadian Intellectual Property Office  
Industry Canada  
Place du Portage I  
50 Victoria Street  
Hull, Quebec  
K1A 0C9

Tel.: (819) 953-5054  
Fax: (819) 953-8998

Web site: <http://cipo.gc.ca>  
E-mail: [cipo.contact@ic.gc.ca](mailto:cipo.contact@ic.gc.ca)